

that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22844. Adulteration and misbranding of oats. U. S. v. 1 Carload of Alleged Oats. Consent decree of condemnation and forfeiture. Product released under bond to be cleaned. (F. & D. no. 32978. Sample no. 65729-A.)**

This case involved a shipment of a product represented to be mill oats but which consisted of a mixture of oats and ergot.

On June 22, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of alleged oats at Indiana Harbor, Ind., alleging that the article had been shipped in interstate commerce, on or about May 28, 1934, by the Butler Grain Co., from Green Bay, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added deleterious ingredient, ergot, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 24, 1934, Harry J. Butler, trading as the Butler Grain Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be salvaged by cleaning under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22845. Adulteration of butter. U. S. v. 2 Kegs and 2 Cans of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32983. Sample no. 62358-A.)**

The case involved a shipment of butter that contained animal hairs, insects, mold, and other filth.

On June 12, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 kegs and 2 cans of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about June 7, 1934, by R. E. Bruce, from Campobello, S. C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 1, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22846. Misbranding of canned salmon. U. S. v. 421 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33001. Sample no. 64936-A.)**

The labels of the product involved in this case were objectionable in that they bore unwarranted health and therapeutic claims, and in that by means of a garbled quotation from a Federal publication the false and misleading impression was conveyed that canned salmon contains more Vitamin D than does cod-liver oil. This particular lot of salmon would have a vitamin D content of approximately 14 percent of that of cod-liver oil.

On or about June 26, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 421 cases of canned salmon at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 7, 1934, by the Pacific American Fisheries, from South Bellingham, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Deming's Vacuum Packed Pink Salmon."

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, were false and misleading: "Full of Vitamins"; "In September 1931 an important pamphlet was published by the U. S. Bureau of Fisheries that concluded: 'It is quite apparent that there is more vitamin D in canned salmon than in cod liver oil. It is an essential part of every diet.'" Misbranding was alleged for the further reason that the following statements appearing on the label were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "'For the benefit of your health' eat canned salmon at regular intervals. Insure yourself against goitre \* \* \* The Journal of the American Medical Association Vol. 86, pp. 1339 and 1340, published the results of experiments determining the iodine content under the heading Salmon in a diet for the prophylaxis of goiter, and it is the author's conclusion that canned salmon, on account of its high iodine content, is a valuable food in a diet for the prevention of goiter."

On July 16, 1934, the Deming & Gould Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22847. Misbranding of canned cherries. U. S. v. 96 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. no. 33026. Sample nos. 68936-A, 71314-A.)

This case involved a shipment of pitted cherries which fell below the standard promulgated by the Secretary of Agriculture, because of the presence of excessive pits, and which were not labeled to indicate that they were sub-standard.

On June 28, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of canned cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about May 8, 1934, by G. P. Halferty & Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Broadway Brand Water Pack Pitted Red Sour Cherries \* \* \* Packed by C. & H. Packing Co. Everett, Wash."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On July 24, 1934, H. H. Schlottzhauer having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22848. Adulteration and misbranding of maraschino cherries. U. S. v. 406 Cases and 8 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. no. 33150. Sample nos. 301-B, 302-B, 335-B, 337-B, 338-B, 339-B, 391-B.)

This case involved shipments of maraschino cherries that contained undeclared artificial color, flavor, and sulphur dioxide. Portions of the product were short weight.

On July 30, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 414 cases of cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, in various shipments in part on or about March 4, March 22, and April 5, 1934, by the Falcon Packing Co., Inc., and in part on June 22, 1934, by Mawer Gulden Annis, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The